

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 14-51270

P J COTTER, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER CANCELLING SUBPOENA FILED BY DEBTOR, ENTITLED “SUBPOENA  
DUCES TECUM TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS TO  
PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY  
PROCEEDING)” (DOCKET # 108)**

On June 24, 2014, the Clerk of this Court apparently signed and issued a subpoena at the request of the Debtor, entitled “Subpoena Duces Tecum to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding)” in this bankruptcy case, directed to “Potestivo & Associates, P.C. Noel J. Ravenscroft” (the “Subpoena”). On July 1, 2015, the Debtor filed a copy of the Subpoena with an unsigned Proof of Service attached. (Docket # 108),

The Clerk’s issuance of the Subpoena was an error. There is no indication in the record of this case that the Debtor had any authority to obtain issuance of a subpoena directed to anyone, including Potestivo & Associates, P.C. or Noel J. Ravenscroft. In order for the Subpoena at issue to be valid and enforceable, Debtor was required to first obtain an order under Fed.R.Bankr.P. 2004 authorizing him to subpoena Potestivo & Associates, P.C. and Noel J. Ravenscroft for documents, or to conduct other discovery of Potestivo & Associates, P.C. and Noel J. Ravenscroft. Similarly, under LBR 7026-3 (E.D. Mich.), “[d]iscovery in a contested matter is permitted only upon a court order for cause shown.” No such court order exists.

For these reasons,

IT IS ORDERED that the Subpoena is cancelled, and deemed to be of no effect.

**Signed on July 08, 2015**

/s/ Thomas J. Tucker

**Thomas J. Tucker**  
**United States Bankruptcy Judge**